

FACTSHEET

TITLE: Letter of Appeal filed by Bob Lewis on behalf of Sanford & Son, L.L.C., appealing the Planning Commission action denying **SPECIAL PERMIT NO. 05022**, requested by Sanford & Son, L.L.C., for authority to operate a rock crusher to recycle concrete and asphalt, on property generally located at 3900 Industrial Avenue.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/25/05
Administrative Action: 05/25/05

RECOMMENDATION: **Denial** (5-3: Sunderman, Larson, Krieser, Carlson and Pearson voting 'yes'; Carroll, Taylor and Bills-Strand voting 'no').

FINDINGS OF FACT:

1. The purpose of this proposed special permit is for authority to operate a rock crusher to recycle concrete and asphalt on approximately 18.5 acres generally located southeast of Dan Avenue and Industrial Avenue.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.8-9, concluding that the proposed use is in conformance with the zoning ordinance and the Comprehensive Plan, with the property being zoned I-1 Industrial. The e-mail written by Marvin Krout, Director of Planning, relating to his communications with Council member Patte Newman on this special permit request is found on p.23-24.
3. The applicant's testimony is found on p.11-12, wherein the applicant agreed to the proposed conditions of approval, assuring that the applicant would comply with the dust control requirements and indicating that the applicant is working with the Army Corps of Engineers to determine whether a 404 permit is required.
4. Testimony in opposition is found on p.12-13. Carol Brown testified that this proposed use impacts the use of the bike trail because of the dust and debris problems. Mike Rierden and Doug Tobiassen testified on behalf of General Dynamics, Stephenson Truck Repair and Dave Bratsher, in opposition to the effects of the dust on construction of a variety of composite structures for defense and aerospace applications, specifically armored shields for vehicles used in Kuwait and Baghdad. Copies of the photographs submitted by Mike Rierden are found on p.25-30. Mike Rierden proposed additional conditions of approval, if the special permit is approved: 1) a 2-lane asphalt road where the heavy truck traffic takes place; 2) relocation of the materials that are caving in the fence; 3) compliance with the Health Department noise standards; and 4) a one-year time frame for renewal.
5. Testimony by Gary Walsh on behalf of the Lincoln-Lancaster County Health Department in response to questions about dust control and noise is found on p.13.
6. The applicant's response to the opposition is found on p.13-14.
7. On May 25, 2005, the majority of the Planning Commission disagreed with the staff recommendation and voted 5-3 to **deny** the proposed special permit (Sunderman, Larson, Krieser, Carlson and Pearson voting 'yes'; Carroll, Taylor and Bills-Strand voting 'no'). See Minutes, p.14-15. The proposed resolution which was denied by the Planning Commission is found on p.4-6.
8. On May 27, 2005, a letter of appeal was filed by Bob Lewis on behalf of the applicant, Sanford & Son, L.L.C. (p.2).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 6, 2005

REVIEWED BY: _____

DATE: June 6, 2005

REFERENCE NUMBER: FS\CC\2005\SP.05022 Appeal



Dedicated to creating the finest neighborhoods.

May 26, 2005

Ms. Joan Ross
City Clerk
555 S. 10th Street
Suite 103
Lincoln NE 68508

Re: Special Permit No. 05022

Dear Joan,

Sanford & Son L.L.C. would like to appeal the final action of the Planning Commission to the City Council for the above mentioned special permit.

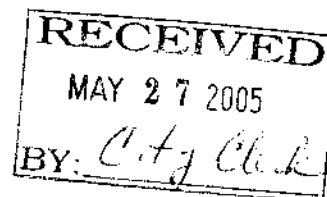
Please place us on the next available agenda.

Thank you for your attention to this matter. If you need additional information please call me at 434-5650.

Sincerely,

Bob Lewis

Bob Lewis



Hampton Development Services, Inc.

3801 Union Drive, Suite 102 ♦ Lincoln, Nebraska 68516


Office: (402) 434-5650 ♦ FAX: (402) 434-5654

Email: hds@hamptonlots.com ♦ Web Site: www.hamptonlots.com

002

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : May 26, 2005

RE : **Special Permit No. 05022 - DENIED**
(Rock crusher to recycle concrete and asphalt - 3900 Industrial Avenue)

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 25, 2005:

Motion made by Carlson, seconded by Pearson to **deny Special Permit No. 05022**, requested by Sanford and Son, L.L.C., for authority to operate a rock crusher to recycle concrete and asphalt, on property located at 3900 Industrial Avenue. Motion to **deny** carried 5-3 (Sunderman, Larson, Krieser, Carlson and Pearson voting 'yes'; Carroll, Taylor and Bills-Strand voting 'no').

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
Bob Lewis, Hampton Development, 3801 Union Dr., Suite 102, 68516
Rob Hackwith, Landon's Neighborhood Assn., 4210 N. 23rd, 68521
Carol Brown, Landon's Neighborhood Assn., 2201 Elba Circle, 68521
J. Michael Rierden, Attorney, 645 M Street, Suite 200, 68508
Doug Tobiassen, 6931 Lynn Street, 68505
Gary Walsh, Health Department

i:\shared\wp\jlu\2005 ccnotice.sp\SP.05022-denied

RESOLUTION NO. PC-__

SPECIAL PERMIT NO. 05022

DENIED 5-3 (May 25, 2005)

1 WHEREAS, Sanford and Son LLC has submitted an application
2 designated as Special Permit No. 05022 for authority to operate a rock crusher to
3 recycle concrete and asphalt on property located at 3900 Industrial Drive, and legally
4 described to wit:

5 Lot 2, Northwestern Metal Addition, located in the Northwest
6 Quarter of Section 7, Township 10 North, Range 7 East,
7 Lancaster County, Nebraska;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
9 held a public hearing on said application; and

10 WHEREAS, the community as a whole, the surrounding neighborhood,
11 and the real property adjacent to the area included within the site plan for this rock
12 crusher to recycle concrete and asphalt will not be adversely affected by granting such
13 a permit; and

14 WHEREAS, said site plan together with the terms and conditions
15 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
16 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
17 public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
2 County Planning Commission of Lincoln, Nebraska:

3 That the application of Sanford and Son LLC, hereinafter referred to as
4 "Permittee", to operate a rock crusher to recycle concrete and asphalt be and the same
5 is hereby granted under the provisions of Section 27.63.290 of the Lincoln Municipal
6 Code upon condition that construction of said rock crusher be in strict compliance with
7 said application, the site plan, and the following additional express terms, conditions,
8 and requirements:

- 9 1. This approval permits a rock crusher to recycle concrete and asphalt.
- 10 2. The applicant must identify the location of the rock crusher on the site
11 plan. The rock crusher must be a minimum of 100' from the boundary of the site.
- 12 3. Before operating the rock crusher:
 - 13 a. The construction plans must comply with the approved plans.
 - 14 b. The applicant must provide an approved Flood Plain Development
15 Permit for the storage of material in the flood plain.
 - 16 c. The applicant must obtain an approved section 404 permit from the
17 U.S. Army Corps of Engineers or a letter stating that a 404 permit is
18 not required.
 - 19 d. Special Permit #212 must be rescinded or the boundary reduced in
20 size to accommodate the rock crusher.
- 21 4. The rock crusher must, at all times, be in compliance with the Lincoln-
22 Lancaster County Air Pollution Regulations and Standards Article 2 Section 32-Dust-
23 Duty to Prevent Escape of Dust.

1 5. The rock crusher must, at all times, be located a minimum of 100' from the
2 boundary of the site.

3 6. The site plan approved by this permit shall be the basis for all
4 interpretations of setbacks, yards, locations of buildings, location of parking and
5 circulation elements, and similar matters.

6 7. This resolution's terms, conditions, and requirements bind and obligate the
7 permittee, its successors and assigns.

8 8. The applicant shall sign and return the letter of acceptance to the City
9 Clerk within 30 days following the approval of the special permit, provided, however,
10 said 30-day period may be extended up to six months by administrative amendment.
11 The clerk shall file a copy of the resolution approving the special permit and the letter of
12 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
13 applicant.

14 The foregoing Resolution was approved by the Lincoln City-Lancaster County
15 Planning Commission on this ____ day of _____, 2005.

ATTEST:

DENIED: 5/25/05 (5-3: Sunderman, Larson, Krieser,
Carlson and Pearson voting 'yes'; Carroll, Taylor and
Bills-Strand voting 'no').

Approved as to Form & Legality:



Chief Assistant City Attorney

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 25, 2005 PLANNING COMMISSION MEETING

PROJECT #: Special Permit No. 05022

PROPOSAL: The applicant is requesting a special permit to operate a rock crusher to recycle concrete and asphalt.

LOCATION: 3900 Industrial Dr.; southeast of Dan Ave. and Industrial Ave.

LAND AREA: Approximately 18.5 acres

CONCLUSION: The proposed use is in conformance with the comprehensive plan and zoning ordinance.

RECOMMENDATION:	Conditional Approval
------------------------	----------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Northwestern Metal Addition, located in the NW 1/4 of Section 7, Township 10 North, Range 7 East, Lancaster County, NE

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Industrial

SURROUNDING LAND USE AND ZONING:

North:	I-1 Industrial	Industrial
South:	I-1 Industrial	Salt Creek
	B-5 Regional Business	Commercial/Retail property south of Salt Creek
East:	I-1 Industrial	Bike path and open space.
West:	I-1 Industrial	Industrial

COMPREHENSIVE PLAN SPECIFICATIONS:

Watershed planning will continue in order to be proactive and integrate stewardship principles for land conservation, stream and wetland buffers, better site design, Best Management Practices (BMP) and erosion and sediment control. The natural drainage system can serve multiple benefits, including wildlife habitat and recreation. (F-79)

Best Management Practices (BMP) are defined as measures that remove or prevent pollutants from entering stormwater. Examples of BMP include stabilizing all areas disturbed during construction and preserving natural drainageways. It is the City's policy to encourage the use of BMP in new development and redevelopment. (F-79)

Bicycles can play an important role in the community by providing a healthy alternative to the automobile, reducing traffic congestion, improving air quality, and creating a more balanced transportation system. (F-93)

Improvement to existing street and trail facilities that are presently suitable for bicycles, and the development of an expanded system of bicycle-friendly roads and trails for the City of Lincoln and Lancaster County's future have been expressed as strong community goals. This is emphasized by the Pedestrian and Bicycle Workshop Vision Statement: "Elevate status of pedestrians and bicyclists in the community to be an integral part of the Transportation Plan." (F-93)

HISTORY:

- February 27, 1991** Administrative Amendment #900067 to change the boundary of Special Permit #212 to only include Lot 2, Northwestern Metal Addition was approved by the Planning Director.
- August 1961** Special Permit 212 to occupy and use the premise for smelting, auto wrecking and salvage was approved by City Council.

This area changed from "L" Heavy Industrial District to I-1, Industrial in the 1979 Zoning update.

TRAFFIC ANALYSIS: Dan Ave. and Industrial Ave. are local commercial streets. N. 27th St., an arterial, is located one block west of Industrial Ave.

ENVIRONMENTAL CONCERNS:

The entire site is within the 100-year flood plain. Dust control is another environmental concern. A bike path abuts the property on the east. Salt Creek is also in the immediate vicinity.

ANALYSIS:

1. This is a request to operate a rock crusher to recycle concrete and asphalt.
2. The entire site is located within the 100-year flood plain. The applicant will need an approved Flood Plain Development Permit for the storage of material in the flood plain and comply with all relevant provisions of Lincoln Municipal Code 27.52.
3. The Lincoln-Lancaster County Health Department notes that the applicant must take measures to control dust. This is especially important since there is a bike path adjacent to the east and south boundary of the site.
4. The applicant's letter states that the rock crusher has a dust control system in place.
5. The Parks and Recreation Department has requested that screening be installed along the east and south boundary of the site. Although there are screening requirements for salvage yards, even in this situation where the surrounding land is also zoned industrial, there is no requirement for screening associated with a rock crusher, or with other uses permitted in the I-1 District that include unsightly outdoor storage and activity. While understanding the concerns of the Parks and Recreation Department, Planning staff does not agree that the applicant should be

responsible for screening the proposed activity when the trail was knowingly installed thru the middle of an I-1 district.

6. The crushed rock and asphalt are not salvage material as defined in Chapter 5.41, Salvaging, Recycling and Composting Operations.

CONDITIONS:

Site Specific:

1. This approval permits a rock crusher to recycle concrete and asphalt.
 - 1.1 Identify the location of the rock crusher on the site plan. The rock crusher must be a minimum of 100' from the boundary of the site.

General:

2. Before operating the rock crusher:
 - 2.1 The construction plans comply with the approved plans.
 - 2.2 An approved Flood Plain Development Permit for the storage of material in the flood plain.
 - 2.3 An approved section 404 permit from the U.S. Army Corps of Engineers or a letter stating that a 404 permit is not required.
 - 2.4 Special Permit #212 must be rescinded or the boundary reduced in size to accommodate the rock crusher.
3. The rock crusher must, at all times, be in compliance with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32-Dust-Duty to Prevent Escape of Dust.
4. The rock crusher must, at all times, be located a minimum of 100' from the boundary of the site.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period

may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Tom Cajka
Planner

DATE: May 12, 2005

APPLICANT: Sanford and Son LLC
3801 Union Dr. #102
Lincoln, NE 68516

OWNER: same as applicant

CONTACT: Bob Lewis
3801 Union Dr. #102
Lincoln, NE 68516
(402) 434-5650

SPECIAL PERMIT NO. 05022

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 25, 2005

Members present: Sunderman, Carroll, Larson, Taylor, Krieser, Carlson, Pearson and Bills-Strand.

Staff recommendation: Conditional approval

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted an e-mail sent from Marvin Krout, Director of Planning, to the City Council and Planning Commission members.

Proponents

1. Bob Lewis, appeared on behalf of Sanford & Son, LLC, the applicant. The property for this proposal is located at 3900 Industrial Avenue near N. 27th and Superior. It was the former location of Cega Services and Northwestern Metal, which operated it as a salvage yard starting back in the 1960's. The applicant agrees with the conditions of approval set forth in the staff report, including working with the Army Corps of Engineers to determine whether they need a 404 permit. They also agree to meet all requirements of the Health Department, including the requirements for dust control and to rescind the existing special permit or reduce the boundary. They have an existing special permit to operate the property as a salvage yard.

Carlson inquired as to the size of the rock crusher. Lewis stated that it is about the size of a semi-trailer. It is a portable machine into which they dump used concrete and asphalt, which crushes it into a usable size and then they sell it for use on other construction projects. The crusher has dust control within itself and they will also meet the dust control ordinance.

Carlson assumed that the material comes out in different sizes and the screens can be adjusted to the different material and it is stockpiled to move off-site at a later date.

Lewis explained that the first operation did not have dust control. They have met with the Health Department and the neighbor to the north and they now have control of the dust that leaves the premises.

As far as volume, Lewis advised that the site has been opened up to anyone that has concrete. A lot of the material is coming from downtown, Antelope Valley and the UNL Stadium project.

Pearson inquired about the hours of operation. Lewis explained that as of now, they had left it open. Signs have been posted as to the type of material and they had only notified certain contractors. The last couple of weeks they have shut down bringing any more material in because of the dust on the road and they have run out of room for storage. In the future, they plan to limit the hours of operation to 7:00 a.m. to 5:30-6:00 p.m. six days a week.

Larson inquired whether they stockpile and inventory. Lewis indicated that they have been inventorying. It has been a pretty lucrative business as far as the need for the material. It is a usable product so it does not stay on site very long. This site has a scale available.

Carlson inquired whether they crush the entire time between 7:00 a.m. and 5:00 p.m. Lewis explained that the crusher is a portable system so it might operate for 30 days and then be gone for 30 days. They can set the hours of operation but typically he has not seen them operate before 8:00 a.m or after 5:00 p.m and only three to four days a week. They do have control over the hours of operation.

Opposition

1. Carol Brown, 2201 Elba Circle, testified in opposition. This is along the bike path which she uses. There is a real problem with dust debris when they are crushing, which has been at 5:30 p.m. You can feel the grime all over your body, skin and socks. There is a health concern because she has asthma. She has to cover her mouth when she goes past this area and the wind blows it all over the place. There is a lot of dirt in this concrete. The fences are down. There is no safety. Kids could get in there. It is an eyesore. She showed pictures of the facility and suggested that it should be located where other industries are located like General Excavating and Yankee Hill Brick. It is time to look at zoning of this area to put commercial and retail into this area. She showed photographs taken from the bike path. It is nothing but a dump.

2. Mike Rierden testified in opposition on behalf of **General Dynamics, Stephenson Truck Repair** and **Dave Bratsher**, property owners in the area. General Dynamics and Stephenson Truck Repair have entered into a partnership that will have a significant impact upon the safety of our troops in Iraq. This project is addressing the safety of the vehicles used in Iraq. Armored shields are shipped to Kuwait and Baghdad and placed on the vehicles to add a significant amount of armor to the vehicles. The concern is dust when the crusher is operating and from the heavy truck traffic. If the dust gets into the paint operations then it can be rejected. More importantly is the concern over the impact that these dust particles may have on the welding operation. He suggested adding conditions of approval to the special permit: 1) a 2-lane asphalt road where the heavy truck traffic takes place; 2) relocation of the materials that are caving in the fence; 3) compliance with the Health department noise standards; and 4) a one-year time frame for renewal.

Pearson asked whether the Bratsher and General Dynamics properties are well fenced. Rierden did not know.

3. Doug Tobiassen, 6931 Lynn Street, plant manager for the **General Dynamics** facility located at 4300 Industrial Avenue, just north of the rock crusher site, testified in opposition. General Dynamics has been a defense contractor at this location since 1963, making a variety of composite structures for defense and aerospace applications. The M915 is the Army's version of a semi-tractor trailer, which operates out of Kuwait driving supplies. General Dynamics received a contract to provide armor for the cab on those trucks and this is an urgent requirement. General Dynamics did not have enough floor space available to do all the operations necessary so they subcontracted with Mr. Stephenson to do the welding and cleaning operations. The dust generated by the proposed rock crusher poses a risk to their traditional products. The structural welding that Mr. Stephenson is doing is highly susceptible to contamination from dust or other particulate matter. The concern is that a weld could be contaminated and thus degrade the integrity of the weld which may not be detected. Conceivably, General Dynamics could be in a position of unknowingly fielding

a product that does not meet the structural requirements. If the application is to be granted, Tobiassen would hope that very stringent provisions be put in place to control the dust absolutely.

Staff questions

Gary Walsh, Health Department, advised that the Health Department has been to the location and there were notices of violation that have been sent to four of the parties involved. The Health Department did observe dust coming off of the property line when the most current crushing operation was there (a company from Kearney). The Health Department has talked to that company and has told them what they would have to do with respect to that equipment. They do have water on the crushing equipment and on the conveyors. The difficult situation is when you have an operation like this located about 30 feet from the front fence line. This is why the Health Department indicated that something would have to be done about moving the equipment away from the property line. There is visible dust passing off the premises onto the property located just to the north because the finish material that was being hauled out was going over an unpaved road with no kind of dust suppressant being used. There was some discussion about using water on the road, but in the summertime with the sun and high temperatures, they will have to put a lot of water on that road to keep it dust-free, especially with the size of the vehicles hauling the material out. There would need to be hard surface or some other dust suppressant. Even if you have a good coverage of water, the 30' distance does not allow proper suppression of the dust. If this were to be approved, it is going to be important to have that crushing equipment controlled by using water sprays on the conveyors and the crushers and it is going to have to be moved away from any property line. In addition, it would be best if they had something other than water applied to the roadway.

The Health Department has not checked the noise. The adjacent property is zoned industrial so they are allowed a greater amount of noise. The standard would be 75 decibels. A crushing operation that close to the property line is probably not going to be too difficult to break past 75 decibels when only 30 feet away.

Bills-Strand inquired whether a different type of fencing would provide some dust or noise control. Walsh believes it could have a little effect but the dust could go over the top of that fairly easily. He would not want to depend on that for dust control. Unless you have a real wall there, a fence is probably not going to reduce the noise.

Response by the Applicant

Lewis advised that this proposal complies with the Health Department requirements set forth in the staff report. They have agreed to move the operation 100' from the property line at staff's recommendation. As far as the noise, they will be required to have that determined during operation to see if they can meet that requirement. The applicant is not opposed to a dust suppressant on the road or potentially hard surfacing. The applicant is also not opposed to a one-year permit or some kind of review period. They will not operate if they cannot meet the criteria. The applicant will repair the fence.

With regard to the bike path, Lewis observed that the bike path came after this property was in place and zoned industrial since 1960. This applicant is operating under the current zoning. It was previously a salvage yard with junk cars piled up, used tires, gas tanks, etc.

Lewis acknowledged that they were using the rock crusher but were required to shut down until they could get a special permit.

Larson inquired whether the dust comes from the truck travel or from the operation itself. Walsh observed that it comes from both.

Pearson wondered who would pay for the asphalt road if it is made a condition of approval. Bills-Strand suggested that the applicant would be required to pay for it.

Pearson wondered whether the conditions need to clarify where the rock crusher is to be relocated.

Tom Cajka of Planning staff interjected to clarify that it is not Industrial Avenue that the staff is concerned about. It is actually the driveway within the property.

ACTION BY PLANNING COMMISSION:

May 25, 2005

Carlson moved to deny, seconded by Pearson.

Carlson noted the testimony that this has a negative impact on the public trail and a negative impact on the surrounding industrial uses. The Planning Commission is to determine whether the proposed use is appropriate for this area and we have testimony that it probably is not.

Larson agrees and the operation is portable to a certain extent so denying the permit would not require tearing down the buildings, etc. to relocate. He just does not believe it fits into that area.

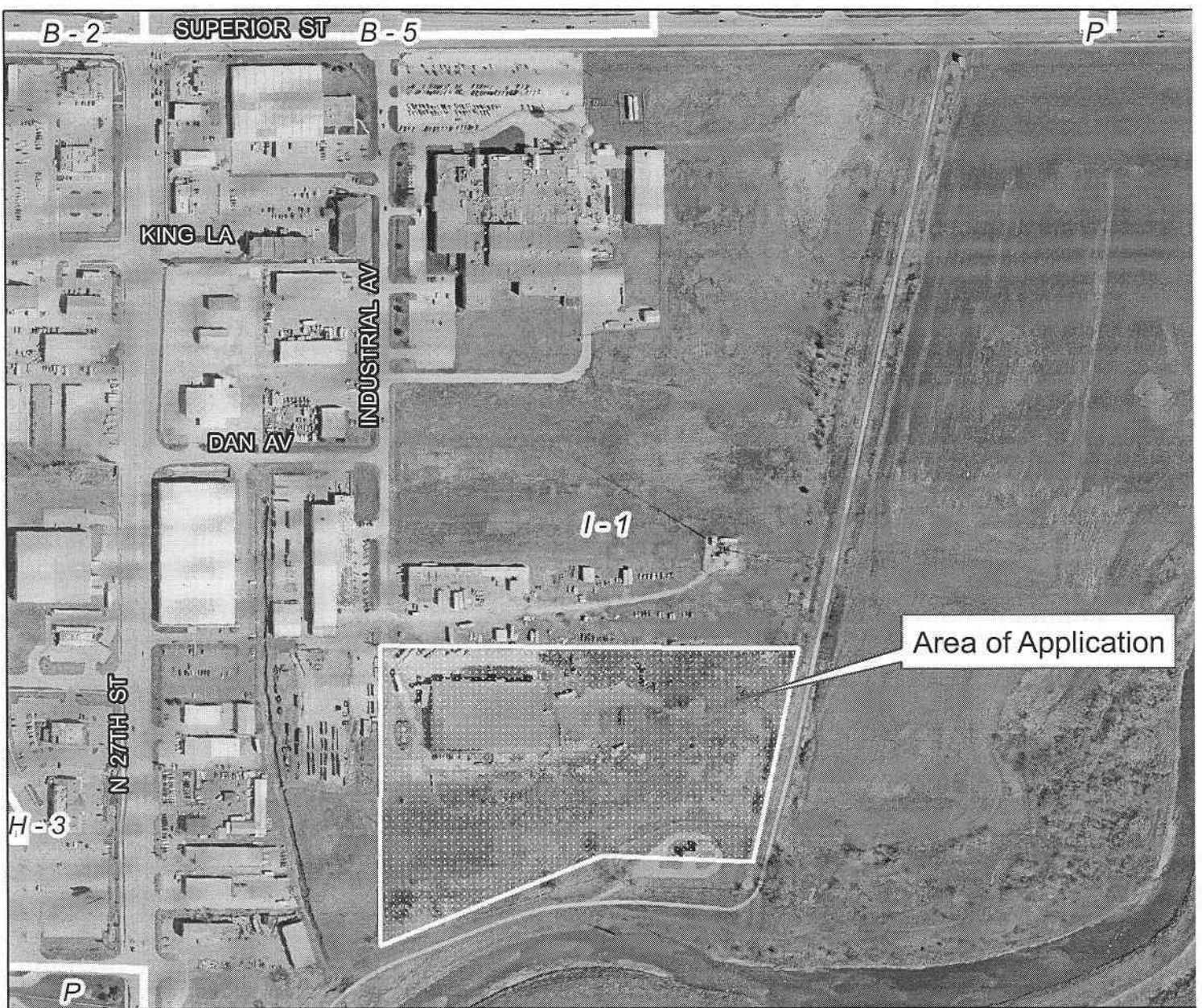
Bills-Strand indicated that she could go along with that, but we have to do something with all of the concrete that is there so she would probably agree to grant a temporary permit with stipulations of dust control and noise control to clear up what is there but not add anymore to the stockpiling.

Taylor stated that he will not support denial without at least making some means to see if we can make this a fit. If the applicant is willing to take all measures necessary to make this work, he sees no reason to deny it.

Pearson believes that the only thing that is offensive from this particular industrial tract is the rock crusher—the dust, traffic and crushed rock. She believes the applicant is obligated to fix the fence. The rock crusher is the only thing that is causing the problem here. They can continue with the way they were doing business without the rock crusher.

Carroll stated that he did a lot of business at this facility when it was Northwestern Metal. It is industrial. If the neighbors to the north are saying they will live with the conditions, he would prefer to give them one year to see if they can follow the conditions to make sure that they reduce the dust, noise, etc., and give them an opportunity to show it works, and if it does not work it goes away. There are not a lot of industrial areas open to take it somewhere else.

Motion to deny carried 5-3: Sunderman, Larson, Krieser, Carlson and Pearson voting 'yes'; Carroll, Taylor and Bills-Strand voting 'no'. This is final action, unless appealed to the City Council within 14 days.



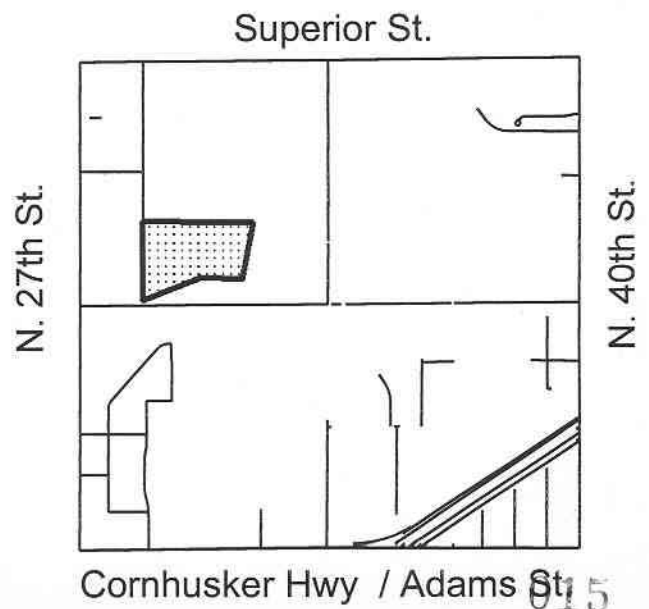
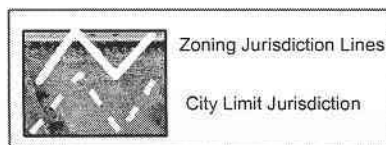
2002 aerial

Special Permit #05022 N. 27th & Dan Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 7 T10N R7E



TOPOGRAPHIC & BOUNDARY SURVEY

TOPOGRAPHIC & BOUNDARY SURVEY
CEGA Services Inc.

ALLIED SURVEYING & MAPPING, INC.
Lincoln, Nebraska 68516
Phone (402) 434-2505
Fax (402) 434-2087

2107 000000
2002/02/1 2107

SUBSCRIBER'S CERTIFICATION

I hereby certify that this copy is the property of _____ and that I will not use it for any purpose other than that for which it was loaned to me by the _____.

Signed this _____ day of _____, 19____

Name of Subcriber

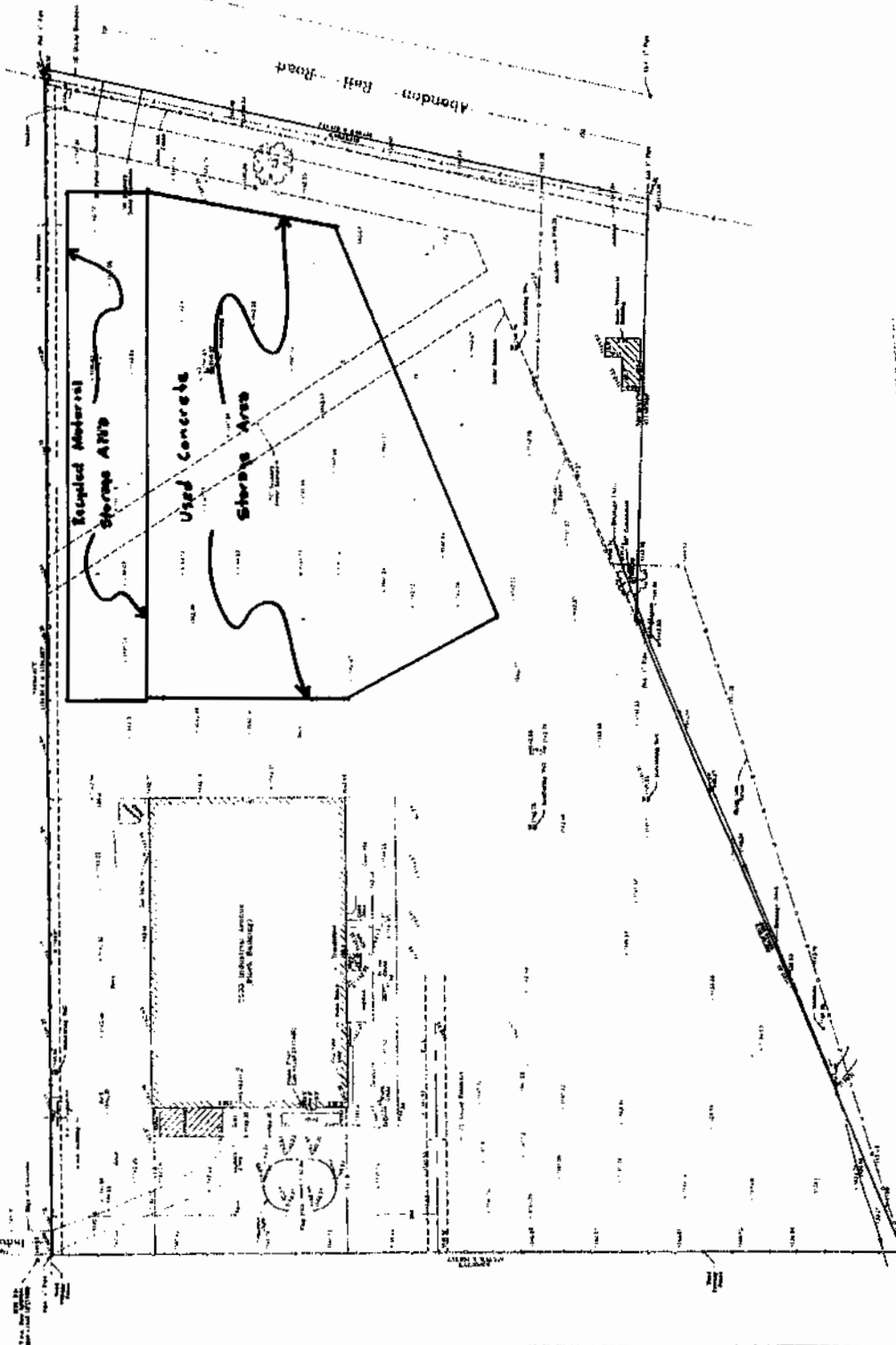
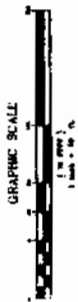
Name of Librarian

Name of Librarian

1981-08-21-708

REACTIVE GOLD TEST
3000 Industrial Ave. Suite 1000, Richmond, VA 23260
(804) 271-1111

SEARCH MARK INFORMATION
Industrial Arts & Agriculture Magnet appears in New York
Post-Record Courier 300-1142 05/10/89
P.O. Box 390401 South and Midland Ave. at West Side at
Life Between the Girls Building Ex-111429/10/89

[illegible]

100

APR 27 2005

JOHN CITY/LANCASTER,
PLANNING DEPARTMENT

Interdepartmental Communication

To: Tom Cajka

Date: May 3, 2005

Department: Planning Department

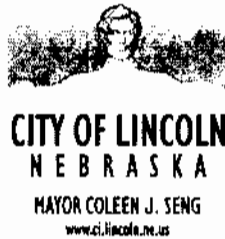
From: Lana Tolbert *LT*

Regarding: Special Permit #SP05022
3900 Industrial Ave

Department: Building and Safety

At your request the Department of Building and Safety has completed its review of the plans submitted with the Special Permit request for a rock crusher plant located at 3900 Industrial Ave. As noted in the applicant's letter the site is in the FEMA 100 year floodplain. The site plan shows two areas designated for storage, one for used concrete and the other for recycled material. The Department of Building and Safety offers the following observations for your consideration:

- The applicant will need a Flood Plain Development Permit for the storage of material in the floodplain.
- For the Flood Plain Development Permit to be approved the applicant will need to demonstrate how the development complies with Sections 27.52.030 (a) (7) & (8).
- If the rock crusher operation is a change in use the applicant will also need a Change of Occupancy Certificate issued by our office.



**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

MEMORANDUM

Date: 5/9/05

To: Tom Cajka, Planning Department

From: John Callen, Watershed Management

Subject: *Sanford and Son Rock Crushing review comments, SP05022*

cc: *Ben Higgins, Dennis Bartels, Chad Blahak*

Below are Watershed Management's comments regarding the Sanford and Son Rock Crushing Special Permit request (SP05022):

1. Applicant must apply for a Floodplain permit prior to completing proposed work and must comply with all relevant provisions of Lincoln Municipal Code 27.52. In particular, sections 27.52.030 (7) and (8) concerning storage and processing of materials in the floodplain must be complied with.
2. Prior to completing the proposed work, applicant must obtain applicable section 404 permits from the U.S. Army Corps of Engineers, or obtain a letter stating that a 404 permit is not required for this proposed work.

M e m o r a n d u m

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Sanford and Son Rock Crushing Special Permit #05022

Date: May 11, 2005

cc:

Engineering Services has reviewed the submitted plans for the Sanford and Son Rock Crushing Special Permit located near North 39th Street and Industrial Avenue, and finds the plans satisfactory contingent on satisfying the comments from Watershed Management.

Memo

To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: October 12, 2004 (Revised November 10, 2004)

Re: Sanford and Son Rock Crushing SP05022

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. An adjoining public use trail and outdoor storage are incompatible uses.
2. Solid screening will be required including a minimum of an 8' fence and a minimum of 25' in height vegetative screen.
3. Screening needs to occur on the south and east perimeters.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



Stone Bridge Creek
Williamsburg Village

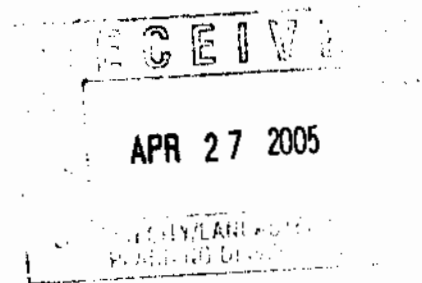
North Creek
Ridge Pointe

Vintage Heights
Thompson Creek

Dedicated to creating the finest neighborhoods.

April 25, 2005

Mr. Marvin Krout
Planning Director
Planning Department
555 S. 10th Street
Lincoln NE 68508



Re: Special Permit 3900 Industrial Ave.

Dear Marvin,

Sanford & Son L.L.C. would like to apply for a special permit at 3900 Industrial Ave. to operate a rock crusher to recycle concrete and asphalt. This site was previously used as a scrap yard until 2001. Some facts about the site:

- The site is located on the north side of salt creek and is in the 100 year floodplain.
- The property is zoned I-1.
- The closest residential zoning is 1000 feet to the west
- The property is completely surrounded by I-1 zoning
- The property has access to Industrial Ave.
- This site surface drains to a storm sewer system that flows into salt creek.
- The site is served by public utilities.

We are currently working with the department of environmental quality to clean up the site for future development.

The rock crusher that will be used for this site is a portable unit and has a dust control system in place.

Thank you for your consideration of this Special Permit.

Sincerely,

Bob Lewis

Enclosures: 24 full size copies of a site plan
Application for Special Permit
Application fees of \$740.00
Certificate of ownership

Hampton Development Services, Inc.

3801 Union Drive, Suite 102 ♦ Lincoln, Nebraska 68516

Office: (402) 434-5650 ♦ FAX: (402) 434-5654

Email: hds@hamptonlots.com ♦ Web Site: www.hamptonlots.com

Marvin S Krout/Notes
05/24/2005 11:35 AM

To Planning_PC Members
cc City Council Members, tcajka@ci.lincoln.ne.us@Notes,
rhill@ci.lincoln.ne.us@Notes, rlewis@hamptonlots.com,
aharrell@ci.lincoln.ne.us@Notes,
bcc
Subject Land use/zoning along Salt Creek east of N 27th Street

Councilmember Newman and I exchanged emails regarding the proposed special permit for a rock crushing operation that will be considered by the Planning Commission at your May 25 meeting. The proposed use is located at 3900 N Industrial, which is east of N 27th Street and north of Salt Creek.

The City and NRD have installed a bike trail along the north side of the creek through this area, which is largely zoned I-1(Industrial) in this mile section. The visibility of the rock crushing operation to the public using the bike trail resulted in complaints about dust and aesthetics. The complaints resulted in the Health Department notifying the applicant that they must obtain a special permit to operate this use in compliance with the zoning ordinance, and also that they were in violation of other city and state codes.

In her email, Councilmember Newman asked:

"(We) wondered why this parcel is not being considered for something a little more compatible with the hotel and stores surrounding it since we hear so often that we have so little commercial type land available for large projects....What is the highest use of this land and could an argument be made that commercial use might be more suitable in this area?....I would think that commercially zoned property would actually be more valuable than industrial to the property owner. Is that incorrect? Isn't this similar to brownfield zoning in other cities where the community rebuilds to increase the value of both the industrial parcel and the surrounding properties. Why would it not be appropriate here? Traditionally the Health Department is very concerned about industrial uses right next to residential and I would consider short term stay hotel somewhat 'residential.'"

Here are the Planning Department's initial thoughts regarding these questions, which you may wish to consider in relation to the special permit request:

1. The I-1 district allows the broadest range and most intensive industrial-type uses. Cities need to accommodate uses like the rock crusher, which are not very attractive-looking but play an important role in the operations of the city and allows for the recycling of existing resources. The Comprehensive Plan directs that these uses be located in areas that do not impact nearby residential areas. This particular area is well buffered by distance and by less intensive commercial uses from the nearest residential area to the west, and well screened from public view along the City's major streets -- if not from view along the bike trail along Salt Creek.

2. The City is actively seeking to expand industrial land in order to encourage new jobs. One of the City's biggest problems has been "holding" land for industrial development in areas where the market was stronger for commercial or residential use. The land on the interior of this mile section does not have the visibility from major streets that would make it attractive for commercial use. It seems appropriate to encourage the development of this interior land, which is suitable, location-wise, and already has infrastructure and public services available, for additional industrial purposes.

3. The frontage along both sides of N 27th Street has developed with commercial uses because of the visibility and more direct accessibility to that street. Commercial uses need that "exposure" and are unlikely to locate on interior sites such as the one in question. Downzoning the property from industrial to commercial is more likely to leave the land as undeveloped.

4. Commercial uses deserve some measure of protection from environmental impacts such as dust and

noise from industrial uses, just as residential uses deserve protection from the impacts of commercial and industrial uses. The commercial uses along N 27th Street do have some protections today, through the local and state regulations that are administered locally by the Health Department. Some of these commercial uses along N 27th Street are developed on land zoned industrial and some on land zoned commercial. Air emission standards are not different based on what kind of zoning district is nearby. But the City's noise standards are different depending on the zoning classification of nearby property. So if the owner of a property zoned industrial but being used for commercial purposes (e.g. a motel) desires more noise protection and is less concerned about the flexibility of uses allowed, he could apply to change his zone and stricter standards would apply.

5. Over time, land uses in cities do and should change, reflecting changes in transportation, technology, consumer demand, etc. Residential uses in Lincoln have given way to commercial and institutional expansion, and industrial uses in the Haymarket have given way to a variety of residential and commercial uses. Large cities like Chicago and San Francisco have large areas with older industrial buildings that are no longer viable for industrial uses, and those cities have encouraged the conversion of these buildings to residential and commercial uses. But in some cases, those and other communities also have struggled to protect older industrial areas from conversion, in order to maintain a balance between jobs and housing.

6. Some day, the land in the interior of this mile section bisected by Salt Creek may be more valuable for residential or commercial uses than for industrial uses. But at this time and in this location, that does not seem to be the case. There are a number of viable industrial uses established in this area, such as General Dynamics. Industrial uses usually want to be "protected" from encroachment by residential and other uses that might consider them to be unwanted neighbors, and this area has that protection. Land along Superior may become attractive for commercial uses, especially in the future, if and when 33rd Street is extended north-south through this section as part of a later stage of the Antelope Valley plan. We would suggest that it is preferable to maintain this land as currently zoned and shown in the plan, as a reserve for new employment uses, and face requests for commercial zoning in the future, if and when the market indicates a demand for commercial uses.

7. The City and NRD built a bike trail through this area recognizing the zoning and potential uses. If screening is now desired, it should be a public responsibility to install. But we would suggest that not everyone walking or bicycling may want their view of industrial activity screened -- as long as irritants such as dust and noise are controlled, viewing the "work" of the city is interesting and can add to the recreation experience.

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

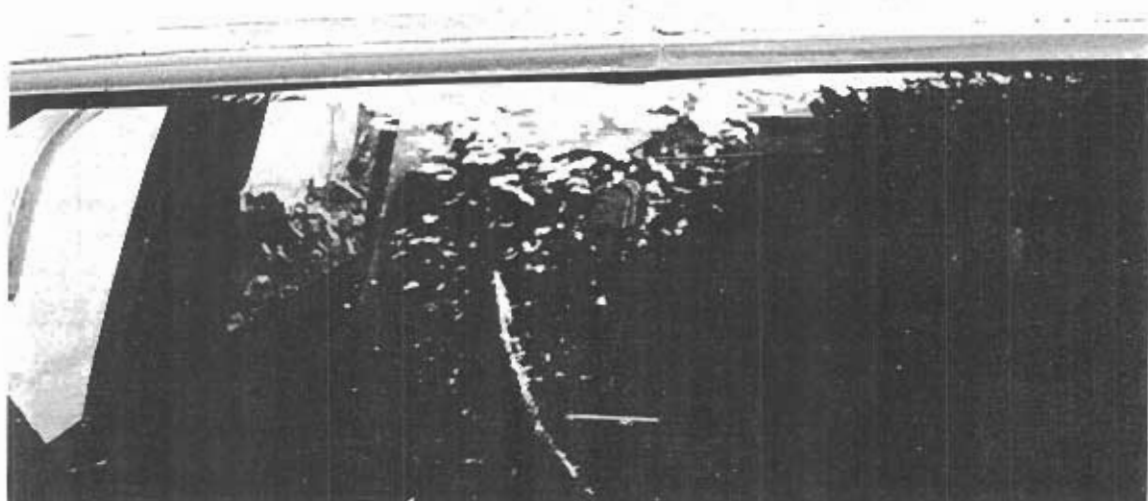


Group
1



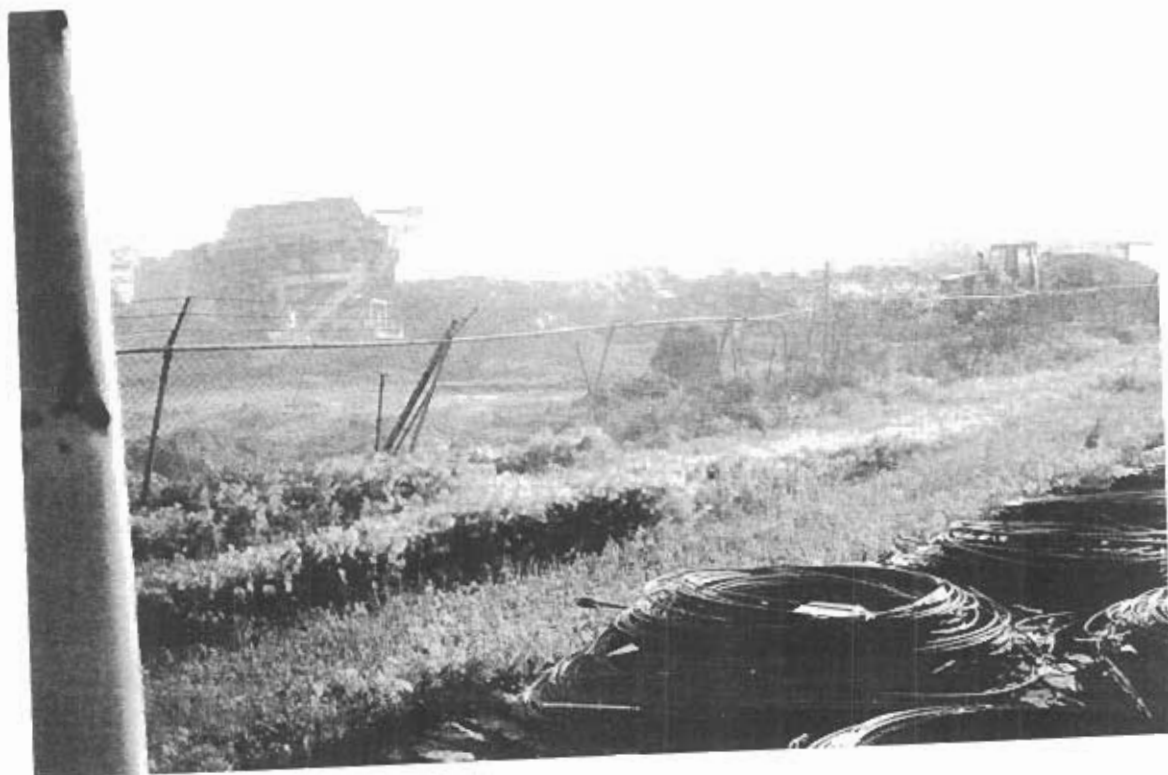


Stamp
1



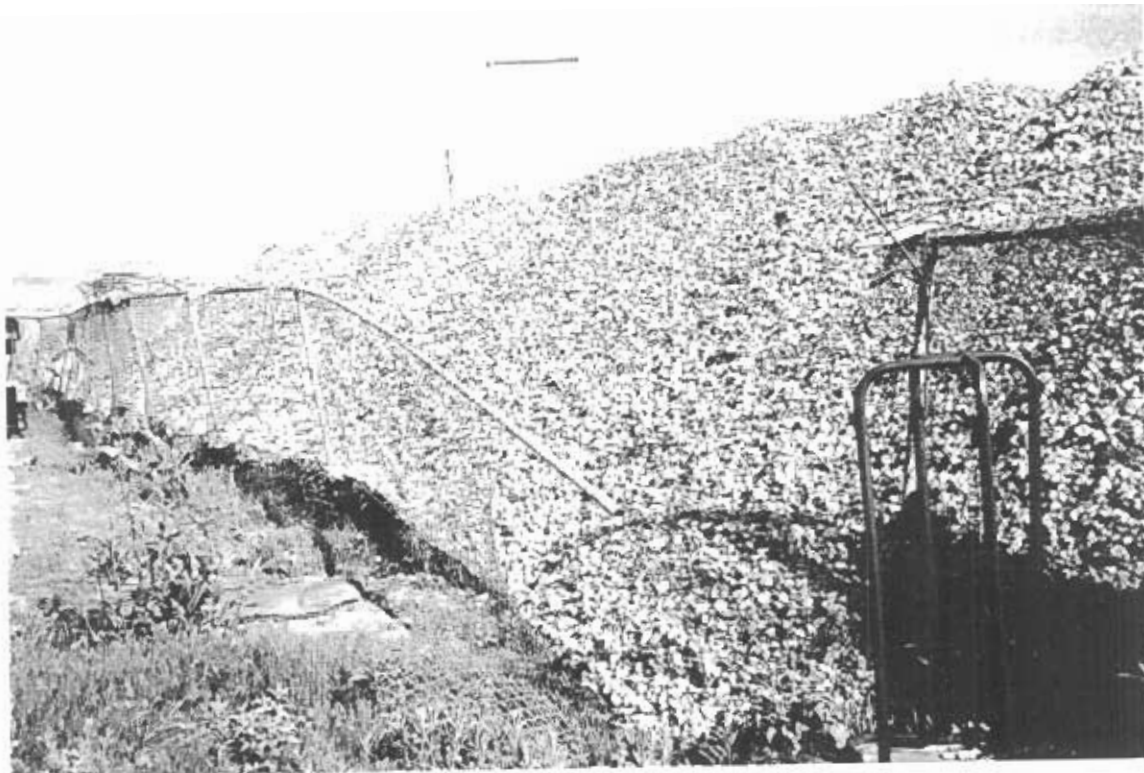


Group
2



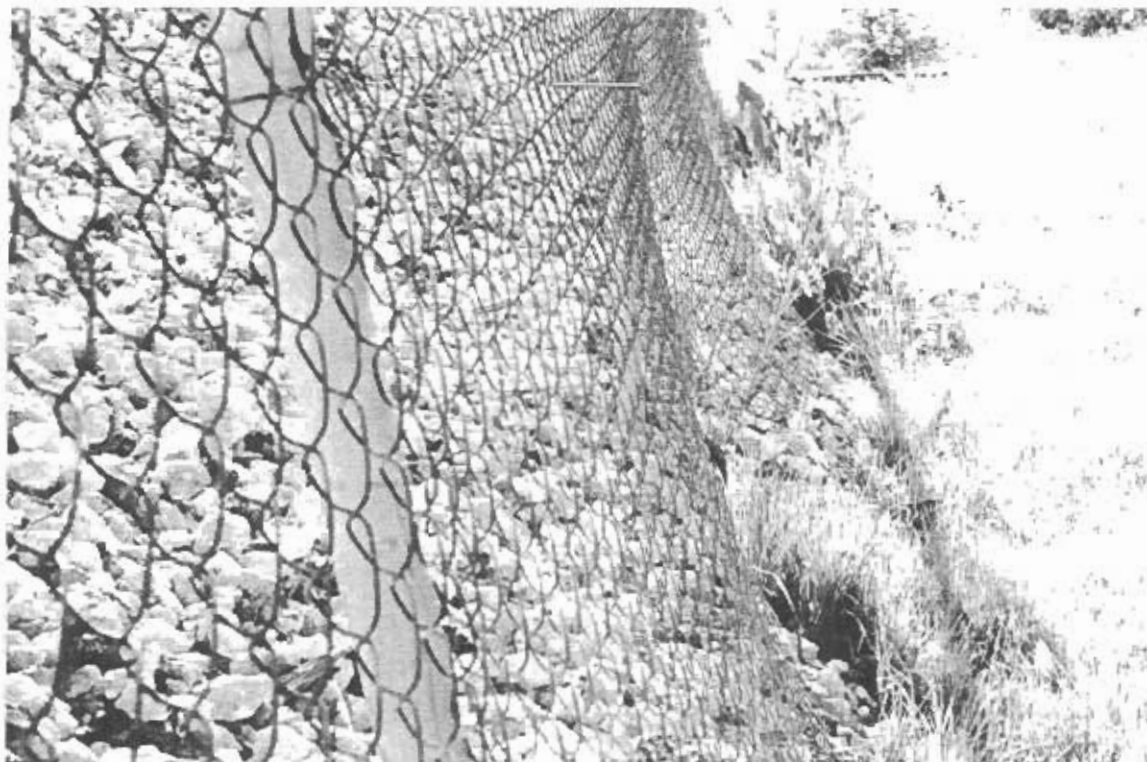
stop
2





Gravel
3





2up
3



030